

DEPARTMENT OF HUMAN SERVICES

Amendments to Chapters 17-1722.1 and 17-1737

Hawaii Administrative Rules

1. Section 17-1722.1-8, Hawaii Administrative Rules, is amended by amending subsection (b) to read as follows:

"§17-1722.1-8 Eligibility requirements. \*\*\*

(b) A person shall also meet all other categorical and financial eligibility criteria for medical assistance. The following conditions shall apply:

- (1) A person who is not blind or disabled shall meet the categorical and financial eligibility requirements of applicants and recipients of medical assistance [for]:

(A) For the Hawaii QUEST program as  
described in chapter 17-1727[.]; or

- (i) For a person whose countable family income would allow the person to be eligible under the provisions of section 17-1727-14(b) except that the person is prohibited from participating in federal medical assistance programs as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that person can be eligible for state medical assistance for immigrant children coverage when the person has third party health care coverage.

- (ii) For a person whose countable family income would allow the person to be eligible under the provisions of section

17-1727-14(f) except that the person is prohibited from participating in federal medical assistance programs as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that person shall not be eligible for state medical assistance for immigrant children coverage when the person has third party health care coverage.

(B) For the QUEST-net program as described in chapter 17-1728 when the person does not meet the eligibility requirements of chapter 17-1727.

(2) A person who is blind or disabled shall meet [the]:

(A) The categorical requirements of applicants and recipients of medical assistance for blind or disabled individuals described in chapter 17-1721 and the financial requirements in chapter 17-1732[.]; or

(i) For a person whose countable family income would allow the person to be eligible under the provisions of section 17-1732-6(b) except that the person is prohibited from participating in federal medical assistance programs as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that person can be eligible for state medical assistance for immigrant children coverage when the person has third party health care coverage.

(ii) For a person whose countable family income would allow the

person to be eligible under the provisions of section 17-1732-6(c) except that the person is prohibited from participating in federal medical assistance programs as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, that person shall not be eligible for state medical assistance for immigrant children coverage when the person has third party health care coverage.

(B) The categorical and financial eligibility requirements of applicants and recipients of medical assistance for the QUEST-net program described in chapter 17-1728 when the person does not meet the financial requirements of chapter 17-1732."

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[Eff 10/26/01; am ]  
(Auth: HRS §346-59.4; SLH 2007, Act 236) (Imp: HRS §346-59.4; SLH 2007, Act 236)

2. Chapter 1737, Hawaii Administrative Rules, is amended by adding a new section 17-1737-5.1 to read as follows:

"§17-1737-5.1 Physician assistant services. (a) A physician assistant is an individual who is an employee of a supervising physician and has been certified by the board of medical examiners, State of Hawaii, with the department of commerce and consumer affairs, to practice medicine under a physician supervision. The supervising physician must be a Hawaii Medicaid provider.

(b) Physician assistant services can only be provided to patients who have established a physician patient relationship with the supervising physician.

The physician assistant shall only render services that are in the physician assistant's scope of practice in the State of Hawaii.

(c) Physician supervision:

- (1) Means overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant. The supervising physician also is responsible for assuring that the physician assistant's services are medically appropriate for the patient.
- (2) Supervision may be direct. Direct supervision shall require the physical presence of the supervising physician to be at the same location the services are rendered and only for those services the supervising physician is authorized to provide that are within the scope of practice of a physician assistant.
- (3) If supervision by the physician is other than direct, the physician must be in the State of Hawaii and available at all times by two way radio, telephone, fax machine, modem, or other telecommunication devices. The physician assistant's progress note must indicate that the physician was not physically present. The physician must review the progress note written by the physician assistant and sign and date it. The date must be the date he or she actually reviewed the progress note.
- (4) A supervising physician can be a physician or group of physicians or an osteopathic physician and surgeon licensed to practice medicine and surgery in the State who in writing accepts the responsibility for the supervision of services rendered by a physician assistant.
- (5) The physician assistant notes for services shall be personally acknowledged by the supervising physician (no personal stamps allowed as acknowledgement) within seven

working days of service even if services are not claimed for payment.

(d) The supervising physician shall report to the department the name of any physician assistants under their supervision. Any changes shall be reported by the supervising physician.

(e) The physician assistant must be an employee of the supervising physician and cannot be the owner or stock holder in the supervising physician's office, clinic, or cooperation.

(f) A physician assistant shall meet all the requirements in accordance with chapter 453, Section 453-5.3, HRS.

(g) Medical services rendered by a physician assistant may include, but are not limited to:

- (1) Obtaining patient histories and performing physical examinations;
- (2) Ordering, interpreting, or performing diagnostic and therapeutic procedures;
- (3) Formulating a diagnosis;
- (4) Developing and implementing a treatment plan;
- (5) Monitoring the effectiveness of therapeutic interventions;
- (6) Assisting at surgery;
- (7) Offering counseling and education to meet patient needs; and
- (8) Making appropriate referrals.

(h) The physician assistant shall introduce themselves as a physician assistant to all patients for whom the physician assistant may provide services. They may not advertise in any manner without the name or names of the supervising physician or physicians, as the case may be, or in any manner that implies that the physician assistant is an independent practitioner.

(i) Hawaii Medicaid will reimburse physician assistant services if services are provided at the supervising physician's place of business. All claims for physician assistant services must be submitted by the employing physician.

- (1) If the degree of supervision is not met

- (2) Payment for physician assistant services cannot be made directly to the physician assistant. They must be made to the actual qualified physician employer;
- (3) Physician assistant claims are not payable when the service is not covered by Medicaid;
- (4) Physician assistant claims are not payable if the service require prior authorization and no authorization was obtained; and
- (5) If none of the above requirements are met, then the service is not reimbursable under the State Medicaid program."

[Eff \_\_\_\_\_] [Auth: HRS §§346-14, 453-5.3, 453-5.4) (Imp: 42 C.F.R. §§440.50, 441.13; HRS §§346-14, 453-5.3, 453-5.4)

5. The amendments to chapters 17-1722.1 and 17-1737, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.